@#@#@#@#@#@#@

HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO:29176 of 1995

DATED:27-10-2006

Between:

M.Satyasaibaba Raju

..... PETITIONER

AND

1. Executive Engineer, Godavari Head Works Division, Dhavaleswaram, East Godavari District and 2 others.

.....RESPONDENTS

@#@#@#@#@#@#@

ORAL ORDER:

This writ petition is filed seeking a mandamus directing the Executive Engineer, Godavari Head Works Division, Dhavaleswaram, East Godavari District, the first respondent herein, to forthwith re-deliver Punt No.112 to the petitioner.

According to the petitioner, the Executive Engineer, Godavari Head Works Division, Dhavaleswaram, Godavari District, entered into an agreement dated 01-04-1994 with him for hiring Punt No.112 at the rate of Rs.5,220/- for each complete month of 30 days and at

the rate of Rs.175/- per day. According to the petitioner, he has been plying Punt No.112 from 01-04-1994 onwards. On 01-06-1995, the said Punt was delivered by him to the Executive Engineer, Godavari Head Works Division, Dhavaleswaram, for the purpose of repairs and the first respondent made alternative arrangement by handing over Punt No.11 to the petitioner till Punt No.112 is repaired. Instead of collecting Rs.5,220/-, the first respondent has been collecting more than Rs.8,000/- though the Punt is lesser width and longer with lesser stability than Punt No.112. Punt No.112 has been repaired and is lying with the Boat Yard and ready for delivery to him, but the same was not delivered to him. Therefore, he got issued a lawyer's notice dated 01-12-1995. Since there was no response, he was constrained to file the present writ petition.

While admitting the writ petition, an interim order was made directing the respondents to re-deliver Punt No.112 to the petitioner if it has been duly repaired and upon such re-delivery the petitioner shall in turn return Punt No.11 to the first respondent herein. Further, it was directed to complete this exercise within a period of one week from the date of receipt of a copy of the order.

Learned Government Pleader appearing for the respondents, on instructions, submits that even before the interim orders were passed by this Court on 26-12-1995 Punt No.112 was delivered to a third party and Punt No.11 has been allotted to the petitioner under a different agreement.

Even otherwise, I am of the opinion that the cause in the writ petition does not survive as of now.

The writ petition is dismissed. No order as to costs.

_____

27th October, 2006

SKM